

17232. Adulteration of dressed chickens. U. S. v. 3 Barrels, et al., of Dressed Chickens. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24463, 24464. I. S. Nos. 033632, 033633. S. Nos. 2732, 2733.)

On January 22, 1930, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 4 barrels of dressed chickens at Chicago, Ill., alleging that the article had been shipped by the Harlan Produce Co. from Harlan, Iowa, in part on October 8, 1929, and in part on October 22, 1929, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy and decomposed animal substance; in that it contained decomposed, emaciated, and tubercular birds; and in that it was the product of diseased animals.

On April 10, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17233. Misbranding of lemon snaps, vanilla snaps, peanut snaps, chocolate snaps, and cocoanut macaroon snaps. U. S. v. Roland P. Bishop, William T. Bishop, and Joseph O. Koeffi (Bishop & Co.). Pleas of guilty. Fine, \$550. (F. & D. No. 22591. I. S. Nos. 17596-x, 17597-x, 17738-x, 17741-x, 17750-x, 22428-x, 22431-x, 22432-x, 22435-x, 22436-x, 22458-x.)

On January 10, 1929, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Roland P. Bishop, William T. Bishop, and Joseph O. Koeffi, copartners, trading as Bishop & Co., Los Angeles, Calif., alleging shipment by said defendants, in violation of the food and drugs act as amended, in various consignments, on or about February 2, April 3, April 13, April 16, April 19, and May 7, 1928, respectively, from the State of California into the State of Arizona, of quantities of bakers' products which were misbranded. The articles were labeled in part: "Bishop's Lemon Snaps (or "Vanilla Snaps" or "Peanut Snaps" or "Chocolate Snaps" or "Cocoanut Macaroon Snaps") Bishop & Company Los Angeles California * * * Net Weight 3½ Oz."

It was alleged in the information that the articles were misbranded in that the statement, to wit, "Net Weight 3½ Oz.," borne on the packages containing the said articles, was false and misleading in that the said statement represented that the packages each contained 3½ ounces of the articles; and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages each contained 3½ ounces of the articles, whereas the said packages did not each contain 3½ ounces of the articles, but did contain, in each of a number thereof, a less amount. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On April 18, 1930, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$550.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17234. Misbranding of cottonseed cake. U. S. v. 200 Sacks of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24549. I. S. No. 033606. S. No. 2864.)

On or about February 20, 1930, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 200 sacks of cottonseed cake, remaining in the original unbroken packages at Trenton, Mo., alleging that the article had been shipped by the Graco Milling Co., Cairo, Ill., on or about February 14, 1930, and transported from the State of Illinois into the State of Missouri, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Guaranteed Analysis Protein not less than 43% * * * Choctaw Sales Company."

It was alleged in the libel that the article was misbranded in that the statement borne on the label, "Protein not less than 43%," was false and misleading and deceived and misled the purchaser.

On March 1, 1930, the Choctaw Sales Co., Kansas City, Mo., claimant, having admitted the allegations of the libel and having consented that judgment be entered for the condemnation and forfeiture of the product, a decree was entered finding the product misbranded, and it was ordered by the court that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17235. Adulteration and misbranding of jellies. U. S. v. 29 Cases of Alleged Fruit Pectin and Apple Jelly, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23962. I. S. Nos. 08559, 08560, 08561, 08562. S. No. 2176.)

On August 19, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 75 cases of assorted jellies, remaining in the original unbroken packages at Boston, Mass., alleging that the articles had been shipped by the Lutz & Schramm Co., from Pittsburgh, Pa., in two lots, on or about February 13 and March 22, 1929, respectively, and transported from the State of Pennsylvania into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Quakerlade Brand Lutz & Schramm Co. Pittsburgh, Pa. Fruit Pectin and Apple Jelly (or "Raspberry Jelly" or "Grape Jelly" or "Plum Jelly")." The labels of the apple jelly and plum jelly bore the further statement "With Added Fruit Acid."

It was alleged in the libel that the articles were adulterated in that a substance deficient in fruit juice had been mixed and packed therewith so as to reduce and lower its quality and strength, and had been substituted in part for the articles. Adulteration was alleged for the further reason that the articles had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the articles were imitations of jellies and were offered for sale under the distinctive names of other articles. Misbranding was alleged for the further reason that the statements, "Fruit Pectin and Apple Jelly," "Fruit Pectin and Raspberry Jelly," "Fruit Pectin and Grape Jelly," and "Fruit Pectin and Plum Jelly," as the case might be, borne on the respective labels, were false and misleading and deceived and misled the purchaser, in that the said statements represented that the articles were jellies, whereas they were not but were compounds of pectin, sugar, and little, if any, fruit juice.

On March 28, 1930, the claimant having failed to appear and prosecute its defense, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17236. Adulteration of grapefruit. U. S. v. 348 Boxes of Grapefruit. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24546. I. S. No. 022592. S. No. 2869.)

On February 20, 1930 the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 348 boxes of grapefruit, remaining in the original unbroken packages at Denver, Colo., consigned by Wade & Newton, alleging that the article had been shipped from Donna, Tex., on or about February 3, 1930, and transported from the State of Texas into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Marsh Seedless Wade & Newton Brand Grapefruit * * * Packed and Shipped By Wade & Newton General Office San Benito, Texas."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On February 25, 1930, the Green Bros. Fruit & Produce Co., a Colorado corporation, having appeared as claimant for the property and having admitted the allegations of the libel and consented to the entry of a decree, judgment was entered finding that the product was adulterated in that it consisted in